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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,410	12/17/2001	Tomoyuki Asano	SONY JP-140	9494

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EXAMINER	
CHAI, LONGBIT	
ART UNIT	**PAPER NUMBER**
2131	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/937,410	ASANO ET AL.	
	Examiner	Art Unit	
	Longbit Chai	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 March 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/25/2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Applicant's claim for benefit of foreign priority under 35 U.S.C. 119 (a) – (d) is acknowledged.

The application is filed on 12/17/2001 but has a foreign priority application filed on 1/26/2000.

Claim Objections

2. Claim 11 is objected to because of the following informalities: (a) "our of a user-input password" should be "out of a user-input password" (b) "creased based on said password" should be "created based on password". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 8, 12, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Matyas (Patent Number: 4757534).

As per claim 1, Matyas teaches a data record reproducing player characterized by the capability of executing reproduction of a program content; comprising:

a recording device to record save data of said program content (Matyas: see for example, Figure 1 Element 10 and 12);

an encryption processing unit to execute an encryption process on save data to be stored in said recording device and a decryption process on said save data to reproduce, retrieved from said recording device (Matyas: see for example, Column 2 Line 46 – Column 3 Line 11);

input means to enter use restriction information on save data (Matyas: see for example, Column 12 Line 45 – 50 and Column 16 Line 40 – 53); and

a control unit to determine an encryption processing method or a decryption processing method for save data (Matyas: see for example, Column 12 Line 52 and Column 16 Line 40 – 53),

wherein said control unit comprises a structure to determine an encryption processing method for save data to be stored in said recording device following use restriction information input from said input means, and to determine a decryption processing method for save data to reproduce, retrieved from said recording device, according to save data use restriction information set up in a data management file stored in a memory or a recording device said control unit can access (Matyas: see for example, Column 12 Line 45 – Column 15 Line 68 and Column 16 Line 40 – 53), and

wherein said encryption processing unit comprises a structure to execute encryption processing or decryption processing on save data with the use of different encryption keys suitable to an encryption processing method or a decryption processing method determined by said control unit (Matyas: see for example, Column 12 Line 45 – Column 15 Line 68 and Column 16 Line 40 – 53).

As per claim 8 and 16, Matyas teaches a save data processing method in a data record reproducing player capable of reproducing a program content comprising:

an encryption processing mode determining step to determine an encryption processing mode to store save data into a recording device according to input use restriction information from input means (Matyas: see for example, Column 2 Line 46 – Column 3 Line 11, Column 12 Line 45 – 50 and Column 16 Line 40 – 53); and

an encryption key selection step to select an encryption key is applied to encryption processing according to the encryption processing mode determined at said encryption processing mode determining step, and wherein encryption processing is performed on save data with the use of the encryption key selected at said encryption key selection step (Matyas: see for example, Column 12 Line 45 – Column 15 Line 68).

As per claim 12 and 17, Matyas teaches a save data processing method in a data record reproducing player capable of reproducing a program content comprising;

a decryption processing mode determining step to determine a decryption processing mode to reproduce save data retrieved from a recording device, according

to the set use restriction information set up a data management file stored in a memory means or a recording device (Matyas: see for example, Column 12 Line 45 – Column 15 Line 68 and Column 16 Line 40 – 53); and

a decryption key selection step to select a decryption key according to the decryption processing mode determined at said decryption processing mode determining step, and wherein decryption processing is executed on save data with the use of a decryption key selected at said decryption key selection step (Matyas: see for example, Column 12 Line 45 – 50 and Column 16 Line 40 – 53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2 – 7, 9 – 11 and 13 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matyas (Patent Number: 4757534), in view of Saitoh (Patent Number: 6839851).

As per claim 2, 9 and 13, Matyas teaches the claimed invention as described above (see claim 1, 8 and 12 respectively). Matyas further teaches said save data use

restriction information is a program restriction allowing the use of save data on condition of the identity of a content program, and said data management file is structured as a table storing program restriction information oriented to the identifier of the content program (Matyas: see for example, Column 12 Line 45 – 50 and Column 16 Line 40 – 53).

wherein said encryption processing unit, when the input use restriction information from said input means or use restriction information set up in said data management file is entered or set to restrict a program, executes encryption processing or decryption processing on save data with the use of a program's individual save data encryption key created based on at least either said content program's individual encryption key, or content program's individual encryption key or individual information (Matyas: see for example, Column 12 Line 51 – 60).

Matyas does not disclose expressly executing encryption processing or decryption processing on save data with the use of a system-shared encryption key stored in said data record reproducing player or a system save data encryption key created based on the system shared encryption key.

Saitoh teaches executing encryption processing or decryption processing on save data with the use of a system-shared encryption key stored in said data record reproducing player or a system save data encryption key created based on the system shared encryption key (Saitoh: see for example, Figure 3 Element 304, Column 1 Line 65 – 66, Column 3 Line 20 and Column 3 Line 32 – 37).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Saitoh within the system of Matyas because Saitoh teaches improving property handling regarding the protection of digital content copyright without user's awareness by provision of a common key used among all apparatus (Saitoh: see for example, Column 1 Line 50 – 52 and Column 1 Line 65 – 66).

Accordingly, Matyas in view of Saitoh teaches when the input use restriction information from said input means or use restriction information set up in said data management file is entered or set not to restrict a program, executes encryption processing or decryption processing on save data with the use of a system-shared encryption key stored in said data record reproducing player or a system save data encryption key created based on the system shared encryption key.

As per claim 3, Matyas in view of Saitoh teaches the claimed invention as described above (see claim 2). Matyas in view of Saitoh further teaches said content program's individual encryption key is a content key Kcon stored in the header portion of content data including said content program (Matyas: see for example, Column 12 Line 55 – 57); and said system-shared encryption key is a system signature key Ksys stored in common into a plurality of different data record reproducing players (Saitoh: see for example, Figure 3 Element 304 and Column 3 Line 32 – 37).

As per claim 4, 10 and 14, Matyas teaches the claimed invention as described above (see claim 1, 8 and 12 respectively). Matyas further teaches said save data use restriction information is a record reproducing player restriction allowing the use of save data on condition of the identity of a data record reproducing player, and said data management file is structured as a table storing record reproducing player restriction information oriented to the identifier of a content program (Matyas: see for example, Column 12 Line 45 – 50 and Column 16 Line 40 – 53).

wherein said encryption processing unit, when the input use restriction information from said input means or use restriction information set up in said data management file is entered or set to restrict record reproducing player, executes encryption processing or decryption processing on save data with the use of a record reproducing player's individual save data encryption key created based on at least either said data record reproducing player's individual encryption key, or data record reproducing player's individual encryption key or individual information (Matyas: see for example, Column 14 Line 38 – 42), and

when the input use restriction information from said input means or use restriction information set up in said data management file is entered or set not to restrict a program, executes encryption processing or decryption processing on save data with the use of a system-shared encryption key stored in said data record reproducing player or a shared save data encryption key created based on the system-shared encryption key (See the same rationale addressed above in rejecting claim 2).

As per claim 5, Matyas in view of Saitoh teaches the claimed invention as described above (see claim 4). Matyas in view of Saitoh further teaches said data record reproducing player's individual encryption key is the corresponding data record reproducing player's individual signature key Kdev stored in said data record reproducing player (Matyas: see for example, Column 14 Line 37 – 42); and said system-shared encryption key is a system signature key Ksys stored in common into a plurality of data record reproducing players (Saitoh: see for example, Figure 3 Element 304 and Column 3 Line 32 – 37).

As per claim 6, 11 and 15, Matyas teaches the claimed invention as described above (see claim 1, and 12 respectively). Matyas further teaches said save data use restriction information is, a user restriction allowing the use of save data on condition of the identity of a user, and said data management file is structured as a table storing a user restriction information oriented to the identifier of a content program (Matyas: see for example, Column 12 Line 45 – 50 and Column 16 Line 40 – 53).

wherein said encryption processing unit, when the input use restriction information from said input means or use restriction information set up in said data management file is entered or set to restrict a user, executes in encryption processing or decryption processing on save data with the use of a user's individual save data encryption key created based on a password input from said input means, or a user's individual save data encryption key created based on said password (Matyas: see for example, Column 13 Line 1 – 55), and

when the input use restriction information from said input means or use restriction information set up in said data management file is entered or set not to restrict a user, executes encryption processing or decryption processing on save data with the use of a system-shared encryption key stored in said record reproducing player or a shared save data encryption key created based on the system-shared encryption key (See the same rationale addressed above in rejecting claim 2).

As per claim 7, Matyas in view of Saitoh teaches the claimed invention as described above (see claim 6). Saitoh further teaches said system-shared encryption key is a system signature key Ksys stored in common into a plurality of record reproducing players (Saitoh: see for example, Figure 3 Element 304 and Column 3 Line 32 – 37).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Longbit Chai
Examiner
Art Unit 2131

LBC

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